

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Gregory Ryan Brown,

Plaintiff,

V.

Robert William Van Pelt,

Defendant.

Case No. 6:24-cv-04782-JDA

OPINION AND ORDER

This matter is before the Court on Defendant's motion to dismiss or, alternatively, for summary judgment. [Doc. 40.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate William S. Brown for pre-trial proceedings.

Plaintiff's pro se Complaint was docketed on September 3, 2024. [Doc. 1.] On April 15, 2025, Defendant filed a motion to dismiss or, alternatively, for summary judgment. [Doc. 40.] Defendant sought dismissal of Plaintiff's action under Rules 37(d) and 41(b) of the Federal Rules of Civil Procedure because of Plaintiff's failure to prosecute his claim and failure to cooperate in discovery. [*Id.*] On June 25, 2025, the Magistrate Judge issued the Report recommending that the matter be dismissed under Rule 41(b) for failure to prosecute. [Doc. 48.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [*Id.* at 7.] Neither party has filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final

determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Defendant’s motion to dismiss [Doc. 40] is GRANTED, and this action is DISMISSED with prejudice.

IT IS SO ORDERED.

s/ Jacquelyn D. Austin
United States District Judge

July 23, 2025
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.